

227671



Indiana Trails Fund, Inc.
PO Box 402
Indianapolis, Indiana 46206-0402
(317) 237 - 9348

18 August 2010

Secretary
Surface Transportation Board
Washington, DC 20423-0001

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AUG 19 2010

**SURFACE
TRANSPORTATION BOARD**

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Public Record

Re: The Indiana Rail Road Company—Abandonment Exemption—in Sullivan
County, Ind. Docket No. AB 295 (Sub-No. 8X)

Dear Secretary:

This request is filed on behalf of the Indiana Trails Fund, Inc., which is a not for profit interested in economic development, conservation of natural resources, historical resources, health, and recreation, hereinafter referred to as "proponent."

Proponent requests issuance of a Public Use Condition as well as an Interim Trail Use Condition rather than an outright abandonment authorization between milepost 3.1 and milepost 7.47, in Sullivan County, Indiana as a 4.37-mile portion of its Kindill Lead.

A. Request For Public Use Condition

Proponent asks the STB to find that this property is suitable for other public use, specifically trail use, and to place the following conditions on the abandonment:

1. An order prohibiting the carrier from disposing of the corridor, other than the tracks, ties and signal equipment, except for public use on reasonable terms. Justification for this condition is because the corridor sits in a wild area near quarries and near to a state park, thus it will enhance natural redevelopment, ecological educational, and hiking and bicycling ways to promote tourism to and near Shakamak State Park, Minnihaha Fish and Wildlife Area, Hilenbrand Fish and Wildlife Area, and the Green-Sullivan State Forest. The time period sought is 180

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TRANSPORTATION BOARD**



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days from the effective date of the abandonment authorization. Proponent needs this much time in order to complete trails plans and to negotiate terms of acquisition.

2. An order barring removal or destruction of potential trail-related structures such as bridges, trestles, culverts and tunnels. The justification for this condition is that these structures have considerable value for recreational trail purposes. The time period requested is 180 days from the effective date of the abandonment authorization for the same reason as indicated above.

B. Request For Interim Trail Use

The railroad right-of-way in this proceeding is suitable for railbanking. In addition to the public use conditions sought above, proponent also makes the following request:

STATEMENT OF WILLINGNESS TO ASSUME FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under section 8(d) of the National Trails System Act, 16 U.S.C. §1247(d), and 49 CFR §1152.29, the Indiana Trails Fund, Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the user is immune from liability, in which case it need only indemnify the railroad against any potential liability], and for the payment of any and all taxes that may be levied or assessed against the right-of-way owned by and operated by the Indiana Rail Road. The property, known as the Kindill Lead, extends from railroad milepost #3.1 near Gilmour to railroad milepost #7.47 near Hawton, a distance of 4.37 miles in Sullivan County . The right-of-way is part of a line of railroad proposed for abandonment in STB Docket No. AB- 295 (Sub-No.8X).


Maps depicting the right-of-way are attached.

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The Indiana Trails Fund, Inc. acknowledges that use of the right-of-way is subject to the user's continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

By my signature below, I certify service upon the Indiana Rail Road, by Federal Express overnight delivery, this day of August 18th, 2010.

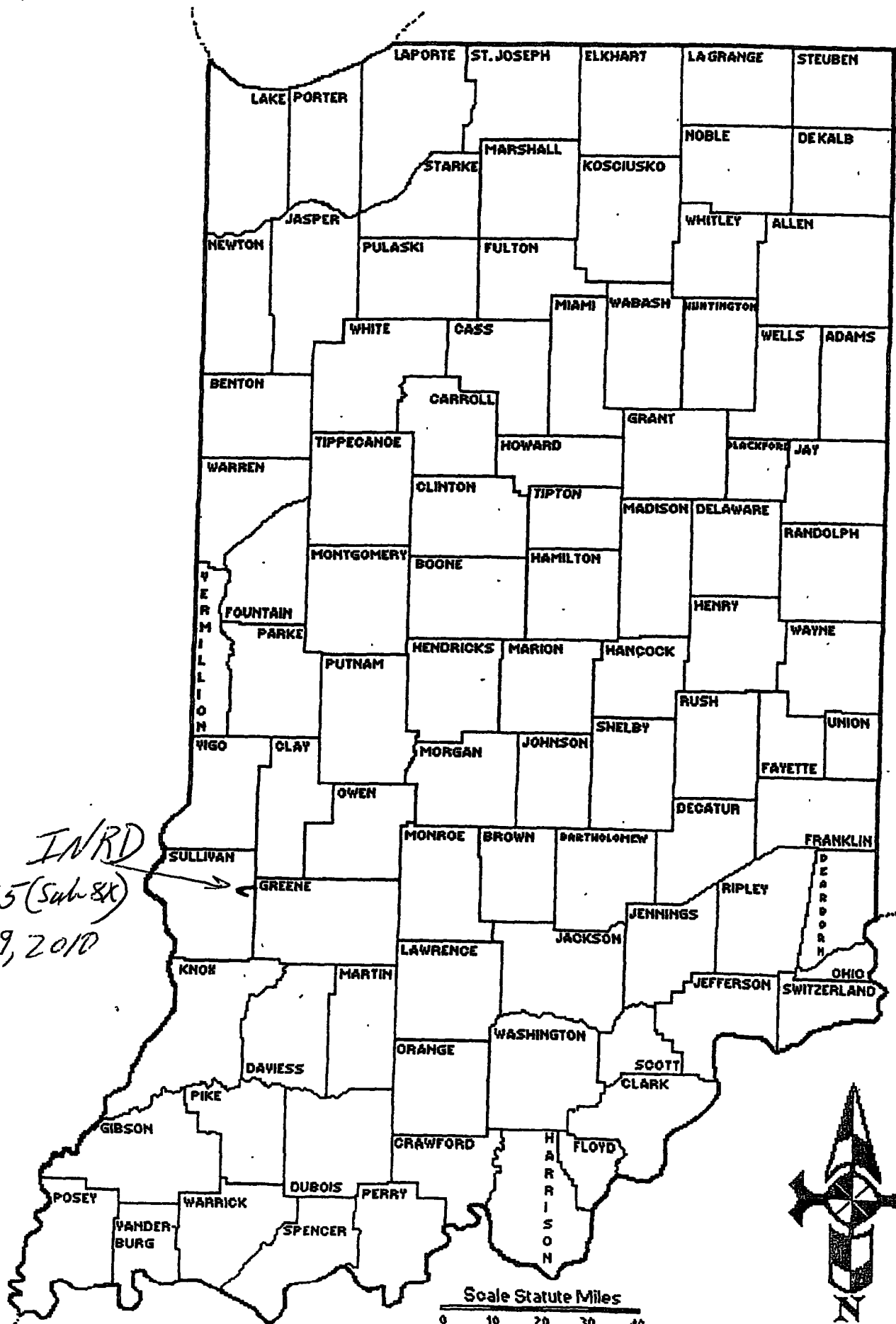
Respectfully submitted,

A handwritten signature in cursive script, reading "Richard Vonnegut".

Richard Vonnegut
on behalf of the Indiana Trails Fund, Inc.

included:

- the original,
- ten duplicates
- a state map of the area
- 2 specific maps of the area
- a check for (27) (i) A request for a trail use condition in an abandonment proceeding under 16 U.S.C.1247(d)\$250.



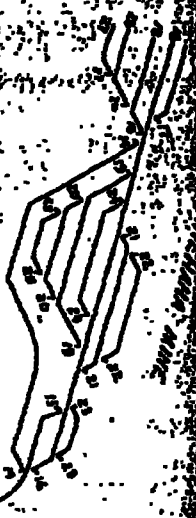
TRASONVILLE, IN

LINE TA BE ABANDONED



SEC. No. 4608

LATTA



BEACH

APPROXIMATE LIMITS OF ABANDONMENT

12/16

OVERVIEW

